

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

RODNEY N. CAFFEY,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO.
)	2:22cv542-MHT
)	(WO)
UNITED STATES OF AMERICA,)	
et al.,)	
)	
Defendants.)	

OPINION

Plaintiff filed this lawsuit against multiple defendants asserting claims associated with a prescription he received for Atorvastatin. The court previously dismissed all claims against the United States without prejudice for failure to exhaust administrative remedies under the Federal Tort Claims Act, 28 U.S.C. § 2671, et seq. Plaintiff then filed an amended complaint reasserting his claims against the United States. However, the administrative remedy process has not yet ended. This lawsuit is now before the court on the recommendation of the United States

Magistrate Judge that the government's motion to strike the amended complaint or, in the alternative, motion to dismiss be granted to the extent that all claims asserted against the United States should again be dismissed without prejudice pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure, but denied to the extent that relief is sought under Rule 12(f) of the Federal Rules of Civil Procedure. There are no objections to the recommendation. After an independent and de novo review of the record, the court concludes that the magistrate judge's recommendation should be adopted.

An appropriate judgment will be entered.

DONE, this the 3rd day of November, 2023.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE